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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/009,246 | 04/25/2002 | Bernd Hessing | 10191/2071 | 8292 |
| 26646 | 7590 | 11/22/2005 | EXAMINER | |
| KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004 | | | BEAULIEU, YONEL | |
| | | ART UNIT | PAPER NUMBER | 3661 |

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/009,246 | HESSING ET AL. | |
| | Examiner | Art Unit | |
| | Yonel Beaulieu | 3661 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 September 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 20-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 20-58 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

Response to Arguments

Applicant's arguments filed 9/12/05 have been fully considered but they are not persuasive.

Applicant argues Shuman does not teach show that the processing devices belong to a corresponding plurality of driver information devices. The Examiner respectfully disagrees. The Shuman reference '081) does show a plurality of processing devices corresponding to a plurality of driver information devices. See figs. 2 and 4; col. 8, lines 20 – 61 supports sensors 202 and 204 in correspondence with a plurality of driver information devices 202(1) – 202(n) and 204(1) – 204(n)).

As to the argument that no output unit is mentioned/detailed from which transported data are outputted via a data bus – the output being a function of driving information item, the Examiner disagrees. Fig. 5 at least does support an output from which transported data are outputted via a data bus – the output being a function of driving information item. Items 202 and 204 output data via bus 216 through item 210 which provides for driving information data and output further via 213 (col. 9, lines 23 – 36 and col. 10, lines 14 – 40 at least).

In view of the above, the rejection of claims 20 – 58 is maintained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 20 - 26, 29 - 37, 39, and 44 - 58 are rejected under 35 U.S.C. 102(e) as being anticipated by Shuman et al. (US 6,675,081 B2).

Regarding claims 20, 22, 23, 35, 50, 51, 52, 54, and 56, Shuman teaches outputting data in a vehicle comprising connecting to a digital data bus a plurality of processing devices (212; figs. 2-3; col. 5, line 66 – col. 6, line 6 and col. 6, lines 64 – 67; col. 9, lines 12 – 16); causing a processing device of the plurality to generate and transmit the data on the bus to an output unit connected to the bus (col. 11, lines 28 – 35 at least); causing the output unit to receive and process the received data (col. 6, lines 48 – 51; col. 16, lines 36 – 39 and line 66 – col. 17, line 6 at least); Shuman further

teaches outputting driving-information item generated by a navigation device (col. 1, lines 47 – 53; col. 2, lines 40 – 51; note limitations of claims 15 and 16 at least) and a terminal (interface 250).

Regarding claims 21 and 55, Shuman's data include vehicle data (as provided by item 204) and driving-information items (item 210; see figs. 4 and 5 at least).

Regarding claim 24, Shuman teaches information including driving instructions (as to road surface and the need to adjust speed accordingly along with route calculation; note col. 22, lines 24 – 38 at least).

Regarding claim 25, Shuman further teaches displaying a route map (road network 13) – note col. 17, lines 28 – 32.

Regarding claims 26, 29, 36, and 58, Shuman further teaches ascertaining vehicle position (col. 12, lines 36 – 54 and col. 13, lines 33 – 54 at least); distance setting to output a distance value when the distance falls below a pre-selected value (using cruise control setting; note at least col. 17, lines 19 – 27).

Regarding claims 30 - 33, 37, 48, 53, 57, Shuman teaches causing the output unit to process graphics object (using CCD 202-6) stored in a memory (col. 31, lines 8 –

14), the output being through a loudspeaker (using item 251-12 for audio; fig. 14; col. 17, lines 28 – 30 at least).

Regarding claim 34, Shuman teaches requesting data transmission and outputting the data upon granting the transmission (col. 24, line 66 – col. 25, line 15 at least).

Regarding claim 39, Shuman teaches an input unit (interface 216 or 316; see fig. 5 or 8).

Regarding claim 44, Shuman teaches a plurality of channels (see fig. 21; note col. 24, lines 40- 65 at least).

Regarding claims 45 - 47, Shuman further teaches the plurality of devices includes a climate-control device (202-13) and a video camera (202-6; see fig. 4 at least).

Regarding claim 49, Shuman further teaches a loudspeaker (voice generator 251(12); see fig. 21 at least).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27, 28, 38, and 40 – 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shuman et al. ('081) as applied to claims 23 and 35, directly or indirectly.

As discussed above, Shuman teaches all of the limitations except for assigning a scale ranking of the driving information item, the bus corresponding to a MOST bus or a CAN bus, and situating the display in the center console of the vehicle and in front of the driver.

Shuman has been shown to teach prioritizing a list of requests (col. 24, line 66 – col. 25, line 16 at least), a digital bus and a display. Therefore, scaling the priority list, making the bus a MOST bus or a CAN and placing the display in the center console would have been obvious to one of ordinary skill in the art at the time of the invention as a matter of preference because Shuman's teaching performs equally well.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonel Beaulieu whose telephone number is (571) 272-6955. The examiner can normally be reached on M-W 9-3; F 9-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas BLACK can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Y. BEAULIEU
AU 3661
YONNE BEAULIEU
PRIMARY EXAMINER